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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Winston J. Banks
PRO SE

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

Full name(s) of Plaintiff(s)

v.

CIVIL ACTION
NO. _____

FIRST JUDICIAL DISTRICT

13 1889

Full name(s) of Defendant(s)

This action is brought for discrimination in employment pursuant to (check only those that apply):

____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

____ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

____ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

(Rev. 10/2009)

✓ GOVERNMENT Employee Rights Act of 1991. Civil Rights Act of 1991, 105 Statute 1071, P.L. 102-166 (1991)

6/10/13
4/10/13

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Winston J. Banks (Mailing: P.O. Box 13417, Phila. 19101)
 Street Address: 1720 E. Washington Lane
 County, City: Philadelphia
 State & Zip: Pennsylvania 19138
 Telephone Number: 267-595-5792

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: First Judicial District of Philadelphia
 Street Address: City Hall, Room 468
 County, City: Philadelphia
 State & Zip: PENNA. 19107
 Telephone Number: 215-683-6950

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: Hon Judge Glynnis D. Hill
 Street Address: CJC, 1301 Filbert St
 County, City: Philadelphia
 State & Zip: PENNA. 19107
 Telephone Number: 215-683-6950

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

☐ Failure to hire me
☒ Termination of my employment
☒ Failure to promote me

- ☒ Failure to reasonably accommodate my disability
☐ Failure to reasonably accommodate my religion
☒ Failure to stop harassment
☒ Unequal terms and conditions of my employment
☒ Retaliation
☐ Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) MAY, (day) 1st, (year) 2002.

C. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.
☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☒ race AFRO-AMERICAN ☐ color _____
☐ religion _____ ☒ gender/sex MALE
☐ national origin _____
☐ age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

I was hired as a Judicial Tip staff JAN 24, 2000. Approximately May 2002 After openly Announcing changes were being made "Judge Hill created an hostile work environment. Sept 2005 I reviewed FJD employees manual and I was only to work 40 hrs per week. Judge Hill worked me 50 hr week. I forwarded a Memo to HR to see what options I had for compensation. I applied for positions in Traffic Court and Judge Hill was angry. Judge Hill had me perform duties that were outside the job requirements. The first Law Clerk was female and pregnant. Judge Hill accommodated her medically, but not me. Judge Hill hired me with my disability because the job was Secretary. October 20, 2006 After a handicapped individual in a wheel chair entered the Court room Judge Hill openly chastised me which caused my back to spasm. When I informed the Judge I needed medical treatment he said "If I leave I would be fired". I immediately left and went to the VA for treatment. I was not a disciplinary problem and had near perfect work attendance.

NOTE: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.

III. Exhaustion of Administrative Remedies:

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: April 3, 2008 (Date).

- B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue Letter.
☒ issued a Notice of Right to Sue Letter, which I received on 1/25/2013 (Date).

NOTE: Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

- C. Only plaintiffs alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have passed.
☐ fewer than 60 days have passed.

- D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: September 21, 2012 (Date).

- E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (check one):

☐ One year or more has passed.
☒ Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- ☐ Direct the defendant to hire the plaintiff.
- ☒ Direct the defendant to re-employ the plaintiff.
- ☒ Direct the defendant to promote the plaintiff.
- ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to (*specify*): _____
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☐ Other (*specify*): _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8 day of April, 2013

Signature of Plaintiff
Address

P.O. Box 13417
1720 E. Washington Lane
Philadelphia, PA. 19104

Telephone number

267-595-5792

Fax number (if you have one)

215-248-5732

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
LILLIE A. WOODBERRY, Notary Public
City of Philadelphia, Phila. County
My Commission Expires August 17, 2016

Sworn to and subscribed before me
this 8 day of April, 2013